

REMARKS

Claims 1, 3, 4, 10, 15, and 17 have been amended. Claims 2 and 16 have been canceled. Claims 1, 3-15, and 17-26 remain in the application.

The amendment of claim 1 merely moves limitations formerly recited in the body of the claim into the preamble of the claim and incorporates the limitations of claim 2 into the body of the claim. The amendment of claim 3 corrects dependency to reflect the cancellation of claim 2 and substitutes a definite for an indefinite article to account for the amendment of claim 1. The amendment of claim 4 substitutes a definite for an indefinite article to account for the amendment of claim 1. The amendment of claim 10 rectifies an manifest informality in the claim. The amendment of claim 15 merely incorporates the limitations of claim 16 into the body of the claim. The amendment of claim 17 corrects dependency to reflect the cancellation of claim 16. These amendments do not change the scope, subject matter, or definiteness of any claim remaining in this application and therefore do not justify further examination.

Claims 1, 2, 15, and 16 are rejected for anticipation by US Patent 6,229,886 ("Moody"). The rejection is moot with regard to claims 1 and 15, which have been amended to correspond essentially with claims 2 and 16 (both now canceled), and is traversed with respect to claims 1 and 15 in their amended forms, for the following reasons.

Axiomatically, rejection of a claim for anticipation by a reference requires that the reference contain every element and limitation of the rejected claim, explicitly or inherently, and that the reference enable the invention recited in the claim. If the reference omits an element or limitation of the rejected claim, extrinsic evidence must be introduced to establish that the missing element or limitation is necessarily in the thing described by the reference.

Taking claim 1 as representative, a method is set forth for synchronizing timing in a broadband switch that includes a plurality of line cards for transceiving information packets and a plurality of switch cards for controlling distribution of the information packets between the line cards. The method includes designating "a master switch card having a master switch timing reference and slave switch cards" from "the plurality of switch cards", synchronizing the plurality of line cards and synchronizing the plurality of switch cards in response to communications with the line cards, where "synchronizing a

plurality of line cards includes synchronizing line cards to the master switch timing reference in response to communications with the master switch card”.

The examiner contends that Moody teaches designating “a master switch card having a master switch timing reference and slave switch cards” from “the plurality of switch cards”. In this regard, at page 2, paragraph 2., the examiner states “regarding claim 2, from the plurality of switch cards (Fig. 2, NETWORK CARD 1, NETWORK CARD 2, ADMINISTRATION CARD 110), designating a master switch card (Fig. 2, ADMINISTRATION CARD 110), having a master switch timing reference (Figs. 2 and 3, TIMING) and slave switch cards (Fig. 2, NETWORK CARD 1, NETWORK CARD 2).

According to the plain language of claim 1, one of the switch cards is designated as master and others of the switch cards are designated as slaves. The “master-slave” relationship has a particular meaning in data systems: a master device is capable of actions the slaves cannot perform. Thus, claim 1 speaks to a designation that invests one of the switch cards with a function, a “master switch timing reference”, that the slave switch cards do not have.

Moody’s description of the network cards of FIG. 2 (at column 3, lines 28-44) has been read diligently, but no references could be found to master and slave network cards, to any network card having “a master switch timing reference”, or to designation of any network card as having functions that the other network cards do not have. Indeed, the logical inference to be drawn is that the network cards in Moody’s FIG. 2 are peers and that no network card is a “master”. This conclusion is supported by the description of the administration card that controls the operations of the line and network cards, and by Moody’s statement that the administration card “is a CPU based card responsible for configuration of the system”. See Moody at column 3, lines 45-47. Manifestly, the administration card is not a network card; it does not have the capability of interfacing the line cards and a data network; and so it cannot be a “master network card”.

Furthermore, the description of the administration card omits any mention of “a master switch timing reference”. The timing signal line of Moody’s FIG. 3 is a component of a line card, not a network card or the administration card. This timing signal line is not described anywhere in the specification. Therefore, any statement regarding its origin, its destination and its function is only speculation, unsupported by any description in Moody’s patent.

Accordingly, Moody's description of modem technology omits at least the act of "from the plurality of switch cards, designating a master switch card having a master switch timing reference and slave switch cards" recited in claim 1. If this act is considered to be inherent, the examiner is requested to introduce extrinsic evidence that the act is necessarily in Moody's description. Similarly, Moody's description omits "the plurality of switch cards including a master switch card having a master switch timing reference and slave switch cards" recited in claim 15. If this element is considered to be inherent, the examiner is requested to introduce extrinsic evidence that the element is necessarily in Moody's description. Otherwise the rejection must be withdrawn.

Claims 3 and 17 are rejected for obviousness over Moody in view of US Patent 6,760,586 ("Lee"). That rejection is traversed as follows.

Prima facie, rejection of a claim for obviousness over a combination of references requires a suggestion to combine the references, a reasonable expectation of success, and the inclusion of all elements of the rejected claim in the combination. See MPEP 2142, et seq.

Moody's line cards are evidently peers controlled by an administration card. See Moody at column 3, lines 17-27 and lines 50-60. Moody therefore sets forth a system for operating line cards that is centrally controlled by the administration card. Lee, on the other hand, sets forth a cordless line card handover system in which line cards have an explicit master/slave relationship with no central controller. The master/slave relationship enables Lee to replace a disadvantageous system in which a single element (the CCFP 20 of FIG. 1) manages the operations of a number of peer-related line cards. Lee states that redesign of private switching systems to accommodate a CCFP "makes the system more complicated, and increases the expense due to the addition of the CCFP". See Lee's description at column 1, line 26 through column 2, line 16. Accordingly, Lee teaches away from being combined with Moody.

Since one of Lee's objectives is to perform a "signaling protocol for the handover between subscribers accommodated in different DECT cards without using a CCFP", there is a substantial expectation that combining Lee with Moody will defeat this objective, thereby producing an unsuccessful result.

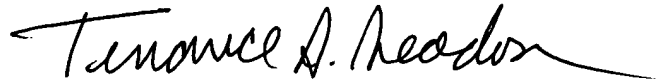
Finally, for reasons given above in respect of claims 1 and 15, the combination of Moody with Lee does not include at least "from the plurality of switch cards, designating a master switch card having a master switch timing reference and slave switch cards"

and "the plurality of switch cards including a master switch card having a master switch timing reference and slave switch cards".

Accordingly, the combination of Moody with Lee fails to satisfy the *prima facie* requirements of obviousness and the rejection of claims 3 and 17 should be withdrawn.

Therefore, in view of these remarks, it is submitted that claims 1, 3-15, and 17-26 define subject matter that is patentably distinct from the references of record, early notice of which is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Terrance A. Meador". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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